

AMENDED IN SENATE JULY 24, 2009

CALIFORNIA LEGISLATURE—2009—10 FOURTH EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 24

**Introduced by Assembly ~~Member Evans~~ Members Bass and
Blakeslee**

July 2, 2009

~~An act relating to the Budget Act of 2009. An act to add Section 2103.3 to the Streets and Highways Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 24, as amended, ~~Evans Bass. Budget Act of 2009.~~ *Transportation finance.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

The Motor Vehicle Fuel License Tax Law imposes a tax of \$0.18 per gallon on motor vehicle fuel, commonly referred to as gasoline. The Diesel Fuel Tax Law imposes a tax of \$0.18 per gallon on diesel fuel. These revenues, after certain deductions for nonhighway fuel uses, are deposited in the Highway Users Tax Account. Approximately $\frac{1}{3}$ of the revenues in the account are appropriated, to be apportioned by various formulas to cities and counties, and most of the remaining revenues are deposited in the State Highway Account after specified transfers to the Bicycle Transportation Account and the State Parks and Recreation Fund.

This bill would require the Controller, if a specified portion of the Highway Users Tax Account is transferred to the Transportation Debt Service Fund, to make certain calculations regarding the amount of

funding that has been transferred to the Transportation Debt Service Fund. The bill would, commencing in the 2011–12 fiscal year, and in each fiscal year thereafter for a total of 10 years, continuously appropriate a certain amount of revenues from the General Fund, which would be required to be apportioned to local agencies in a manner that fully restores the funds transferred to the Transportation Debt Service Fund.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on July 1, 2009.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on July 1, 2009, pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2103.3 is added to the Streets and
- 2 Highways Code, to read:
- 3 2103.3. If Section 2103 is amended by an act enacted in a
- 4 2009–10 session of the Legislature that adds a new subdivision
- 5 (b) to that section that would transfer a portion of the revenues in
- 6 the Highway Users Tax Account (HUTA) to the Transportation
- 7 Debt Service Fund, the Controller shall do all of the following:
- 8 (a) On or after June 30, 2011, the Controller shall calculate
- 9 the amount of funding that has been transferred to the
- 10 Transportation Debt Service Fund pursuant to paragraphs (2) and
- 11 (3) of subdivision (b) of Section 2103, as that section is amended
- 12 by an act enacted in a 2009–10 session of the Legislature.
- 13 (b) The Controller shall add to the amount calculated pursuant
- 14 to subdivision (a) interest on those funds calculated at the Pooled
- 15 Money Investment Board interest rate on the date the act
- 16 implementing this section is chaptered.
- 17 (c) Notwithstanding Section 13340 of the Government Code,
- 18 beginning in the 2011–12 fiscal year, and each fiscal year

1 *thereafter for a total of 10 years, there is hereby continuously*
2 *appropriated from the General Fund for a supplemental HUTA*
3 *allocation pursuant to subdivision (d) an amount equal to one-tenth*
4 *of the amount calculated pursuant to subdivisions (a) and (b).*

5 *(d) The funds provided pursuant to subdivision (c) shall be*
6 *apportioned to cities, counties, and cities and counties in a manner*
7 *to fully restore the funds transferred to the Transportation Debt*
8 *Service Fund, pursuant to paragraphs (2) and (3) of subdivision*
9 *(b) of Section 2103, as that section is amended by an act enacted*
10 *in a 2009–10 session of the Legislature.*

11 *SEC. 2. This act addresses the fiscal emergency declared by*
12 *the Governor by proclamation on July 1, 2009, pursuant to*
13 *subdivision (f) of Section 10 of Article IV of the California*
14 *Constitution.*

15 *SEC. 3. This act is an urgency statute necessary for the*
16 *immediate preservation of the public peace, health, or safety within*
17 *the meaning of Article IV of the Constitution and shall go into*
18 *immediate effect. The facts constituting the necessity are:*

19 *In order to meet the current and near-term financial*
20 *requirements of the state, it is necessary that this act take effect*
21 *immediately.*

22 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
23 ~~changes relating to the Budget Act of 2009.~~

24 ~~SEC. 2. This act addresses the fiscal emergency declared by~~
25 ~~the Governor by proclamation on July 1, 2009, pursuant to~~
26 ~~subdivision (f) of Section 10 of Article IV of the California~~
27 ~~Constitution.~~